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October 11, 2007

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OCT 22 2007

Federal Communications Commission  
Office of the Secretary

The Honorable Kevin Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

RE: Ex Parte Communication, ET Docket Nos. 04-186, 02-380

Dear Mr. Chairman:

As leaders in television broadcasting, we are writing to express our concern over placing personal and portable unlicensed devices in the digital television band. As you know, current proposals based on "sensing" to avoid interference could cause permanent damage to over-the-air digital television reception. Interference in the digital world will cause a digital picture to freeze and become unwatchable.

Over the next few years, American consumers will spend billions of dollars on new digital television sets to meet the requirements of the DTV transition. The government has established a program to assist consumers by subsidizing digital to analog converter boxes. Government and industry have a vital stake in making sure consumers are not harmed in this process.

Technological innovation is critical in meeting the changing demands of consumers. As leading video content providers, we support reaching consumers through a variety of technologies, including new broadband services. Indeed, the analog spectrum being vacated by the broadcasters in 2009 and auctioned by the FCC in early 2008 will be available for multiple uses, including the same types of broadband services envisioned by those who seek to operate on an unlicensed basis in the digital spectrum allocated for free, over-the-air broadcasting. Moreover, as the FCC's own tests confirmed, the proponents of unlicensed devices in the digital television spectrum have not shown that their "sensing" technology is at a stage where it would effectively prevent interference in the television band. Therefore, the FCC should not allow these portable devices to enter the TV band at this time. In contrast, a "fixed" broadband system, which does not operate on a co-channel or adjacent channel, will help expand broadband opportunities without causing interference to digital television receivers.

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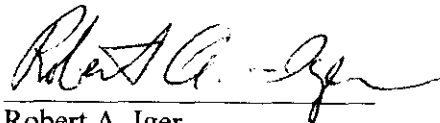
This debate is about the viewer. Consumers purchasing new digital equipment have a right to expect their equipment will work. It has taken nearly a decade for government and industry to deploy digital television across this nation. A rush to place millions of unlicensed devices in the TV band without extensive real-world testing should not undermine these efforts.

We urge you to keep viewers' expectations in mind as you move forward with this proceeding. We must work together to ensure that all Americans, rich and poor, urban and rural, maintain the ability to receive vital emergency information, news, sports and top quality entertainment programs. Deploying proposed new services at the expense of tens of millions of viewers who rely on over-the-air digital television does not seem to be an efficient use of this important national resource.

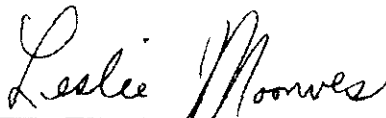
Sincerely,



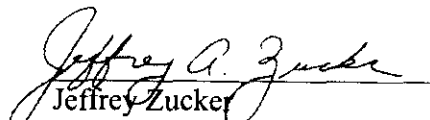
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CC: The Honorable Daniel Inouye  
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The Honorable Jonathan Adelstein  
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Secretary Marlene H. Dortch